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MEMBER OF BAR OTHER THAN VA PATENT AGENT TECHNICAL ADVISOR

FILED
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CLERK, U.S. DISTRICT COURT
BY WESTERN DISTRICT OF TEXAS
DEPUTY

December 12, 2014

Via Electronic Mail, Copy Via Federal Express

Singlehop, LLC
Attention: Daniel Ushman
215 W. Ohio Street, 5th Floor
Chicago, IL 60654
sales@singlehop.com

A 1 4 MC 1 0 9 9 u A

Re: <http://evhkramer5150.net>

Copyright Notice of Claimed Infringement
“Notice and Take Down” Demand Pursuant to the Digital Millennium Copyright
Act (DMCA) §§ 512(c)(3) and 512(d)(3)

Dear Mr. Ushman,

This Notice and Take Down Demand is served upon you pursuant to DMCA §§ 512(c)(3) and 512(d)(3). It requires you to take down or disable access to the infringing materials. Such materials may not be reinstated unless and until you have demonstrated, if applicable, that you have strictly complied with the “safe harbor” provisions of the DMCA.

Our firm represents and acts for Edward Van Halen and E.L.V.H., Inc. Our research on the referenced URL indicates that your company is a “service provider,” as that term is defined under the DMCA, with respect <http://evhkramer5150.net> (“the Site”).

The purpose of this letter is to notify you, pursuant to the provisions of the DMCA, of our belief that the owner of the Site is infringing Mr. Van Halen’s and/or E.L.V.H., Inc.’s copyrights in certain materials.

Specifically, we hereby notify you that Mr. Van Halen and/or E.L.V.H., Inc. is the exclusive owner of all right, title and interest in and to the “Frankenstein” artistic graphic design (“Copyrighted Materials”) which are being infringed or have been infringed upon by the owner of the Site. Depictions of ELVH’s design are attached hereto as **Exhibit 1**. This design is embodied in the following copyright registrations: VAu 558-125, VAu 544-060 and VAu 505-308. True and correct copies of U.S. Copyright Office records reflecting ELVH’s copyright registrations are attached hereto as **Exhibit 2**. These designs have been used extensively by Mr. Van Halen throughout his storied career and are closely associated with his distinctive style of guitar playing. Representative copies of the infringing referenced URL are attached hereto as

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Exhibit 3. It is apparent that these are direct and intentional copyright infringements, based on our client's close association with the Frankenstein design and stature as a world renowned guitar player, and the photographs and products on which the Frankenstein design is reproduced (guitars).

Our client must be vigilant in protecting its intellectual property. In this regard, we demand that Singlehop and all relevant, related companies act within 72 hours to compel the removal of the offending material from, or disable access to, the referenced URL. As you may be aware, such action is necessary in order for you to claim a safe harbor under the DMCA from liability for contributory and vicarious copyright infringement. We also respectfully remind you that access to the referenced URL may be reinstated only upon fax or mail service of a counter notification that fully complies with the strictures of DMCA §§ 512(g)(2) and (3), including the infringer's consent to suit in the United States Federal District Court and waiver of jurisdictional challenge.

If you have any questions or need any additional information, please contact the undersigned. Please note that neither this Notice, nor full or partial compliance therewith, shall be deemed or construed as a waiver of any claim, in part or in whole, by Mr. Van Halen and/or E.L.V.H., Inc., and all rights under common law and statute are expressly reserved.

The undersigned has a good faith belief that the use of the Copyrighted Materials is not authorized by Mr. Van Halen and/or E.L.V.H., Inc., their agents, or by operation of law, and that all information provided herein is accurate. The undersigned further declares, under penalty of perjury, that he is authorized to act on behalf of Mr. Van Halen and/or E.L.V.H., Inc., the owner of the exclusive rights in the Copyrighted Materials.

Sincerely yours,

MILLEN, WHITE, ZELANO & BRANIGAN, PC

/ADM/

By: Adam D. Mandell

Enclosures